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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Petter Ericson

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11/16/2005

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EXAMINER

NGUYEN, CHANH DUY

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,778

Applicant(s)

ERICSON, PETTER

Examiner

Chanh Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 and 45-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 and 45-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendment filed on December 02, 2004 has been entered and considered by examiner.

Information Disclosure Statement

2. The references listed on the Information Disclosure Statement filed on May 24, 2004 have been considered by examiner; see attached PTO-1449.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-42, 45-46, 49-54 and 57-60, are rejected under 35 U.S.C. 102(e) as being anticipated by Dymetman et al (U.S. Patent No. 6,345,304 B1).

As to claim 42, Dymetman discloses a storage medium (e.g., 604, 606) for digital information which is readable by a computer system (e.g., 602), in which the storage medium (604,606) contains a computer program which comprises instructions for causing a processor (608) to determine, in response to the receipt of information which contains at least one position (e.g., any position on the cell 202) on an imaginary surface (e.g., 108), to which region (202) on the imaginary surface (108) the at least one position belongs, and to determine how the information is to be managed based on the region affiliation (i.e. depending on coded sheets with identifiers, an end user or a publisher can determine what actions are provided in response to those identifier)(see column 3, lines 41-61 , column 7, line 30 through column 8, line 57 and see column 10, line 57 through column 11, line 29).

As to claim 26, Dymetman discloses a method for management of information which is recorded using at least one user unit (502) including recording the information (see column 6, lines 58-64) at least one position (e.g., any position on the cell 202) on at least one imaginary surface (108). Dymetman teaches a step of receiving the information to a central unit (central router 802), wherein the central unit (802) which contains particulars about a plurality of regions (region 208 with makings represents pid and a region 210 with makings represents page-loc) (see Fig.2), wherein each region represents an area on at least one imaginary surface (108).

Dymetman teaches identifying, in response to the receipt of the information from the user unit (502) which region (202) said at least one position belongs and determining how the information is to be managed based on the region affiliation (i.e. depending on coded sheets with identifiers, an end user or a publisher can determine what actions are provided in response to those identifier)(see column 7, line 30 through column 8, line 57 and see column 10, line 57 through column 11, line 29).

As to claim 1, Dymetman discloses a system for information management, which system comprises a central unit (central router 802) and a plurality of user units (e.g., publisher, supplier, end user 502) which are arranged to record and send information to the central unit (802) (see column 6, lines 58-63 and column 8, lines 38-42), wherein particulars (e.g., m, n, addrm, n) are stored in the central unit (802) about a plurality of regions (region 208 with makings represents pid and a region 210 with makings represents page-loc), each of which represents an area on at least one imaginary surface (108), each of the user units (502) is arranged to record information which includes at least one position (e.g., any position on the cell 202)) on the imaginary surface (508) and to send the information to the central unit (802).

Dymetman teaches the central unit (802) is arranged, in response to the receipt of the information from a user unit (502), to identify to which region (202) at least one position belongs and to determine how the information is to be managed based on the region affiliation (i.e. depending on coded sheets with identifiers, an end user or a publisher can determine what actions are provided in response to those identifier) (see column 7,

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line 30 through column 8, line 57 and see column 10, line 57 through column 11, line 29).

As to claim 17, Dymetman discloses a system for information management, which system comprises a central unit (802) and a plurality of user units (e.g., publisher, supplier, end user 502) which are arranged to record and send information to the central unit (802). Dymetman teaches a plurality of products (108) each of which has a subset (208 or cells 202) of a position-coding pattern, which codes a large number of positions on at least one imaginary surface (508), wherein particulars (e.g., $a, addr_0-n, addm_n$) are stored in the central unit (802) about a plurality of regions (208 and 210), each of which represents an area on said imaginary surface (108).

Dymetman teaches each of the user units (502) is arranged to record information which comprises at least one position on the imaginary surface (108) by means of the subset (208 or cells 202) of the position-coding pattern on said product (108), and to send the information to the central unit (802), and the central unit (802) is arranged, in response to the receipt of the information from a user unit (502), to identify to which region (202) said at least one position belongs and to determine how the information is to be managed based on the region affiliation (i.e. depending on coded sheets with identifiers, an end user or a publisher can determine what actions are provided in response to those identifier) (see column 7, line 30 through column 8, line 57 and see column 10, line 57 through column 11, line 29).

As to claim 45, Dymetman discloses a method for managing information based upon position associated with a machine-readable code including recording information

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using at least one user unit (502), wherein the information (e.g., data glyph markings) includes at least one position on a two-dimensional coordinate reference (i.e. glyph markings positioned on x, y coordinates as shown in Figure 4), further wherein the two-dimensional coordinate reference represents physical positions in a unique and continuous manner (i.e. coordinate x, y on surface 508 with glyph markings are unique and continuous manner) , and represents a physical area (i.e. surface 508) which is larger than any single practicable usable surface (surface of camera 506 or surface of the tip 505 of a pen 504 as broad claimed language).

Dymetman teaches a step of sending the information to a central unit (802), wherein the central unit contains particulars about a plurality of regions (e.g., a, addr0, a, b, addra,b), and further wherein each region (202) represents an area on the two-dimensional coordinate reference (see column 6, lines 58-63 and column 8, lines 38-42). Dymetman teaches identifying which region the at least one position belongs response to the receipt of the information; and managing the information based upon rules associated with the identified region, wherein different regions are associated with different rules (i.e. depending on coded sheets with identifiers, an end user or a publisher can determine what actions are provided in response to those identifier) (see column 7, line 30 through column 8, line 57 and see column 10, line 57 through column 11, line 29).

As to claim 53, this claim differs from claim 45 only in that claim 45 is method whereas claim 53 is apparatus. Thus, apparatus claim 53 is analyzed as previously discussed with respect to method claim 45.

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As to claims 2, 19, 27, 49 and 57, Dymetman teaches each of said regions (202, 208) particulars (e.g., a, adddr0 - n, adddm, n) being stored in the central unit (802) about an owner of the region (see column 7, line 45 through column 8, line 57 and see column 10, line 57 through column 11, line 29).

As to claims 3, 20, 28, 51 and 59, Dymetman teaches rules for each region (202, 208) being stored in the central unit (802) for how the information which is identified as belonging to the region (706) is to be managed (see column 7, line 45 through column 8, line 57 and see column 10, line 57 through column 11, line 29).

As to claims 4, 21, 29, 50 and 58, Dymetman teaches the central unit (802) being arranged to forward the information which is received from the user unit (502) to a recipient (i.e. a publisher, an end user).

As to claims 5 and 30, Dymetman teaches the recipient (i.e. a publisher, an end user) being defined by the region affiliation (202).

As to claims 6, 31, Dymetman teaches the recipient (i.e. a publisher, an end user) being one of the user units (i.e. 502).

As to claims 7, 22 and 32, Dymetman teaches the central unit (802) being arranged to attach a predetermined data packet (e.g., a, adddr0 - n, adddm, n) for the recipient (i.e. a publisher, an end user), which data packet is determined by the region affiliation (202).

As to claims 8, 23 and 33, Dymetman teaches the central unit (802) being arranged to store the information (e.g., a, adddr0 - n, adddm, n) which is received from the user unit (502) in a location which is indicated by the region affiliation (202).

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As to claims 9, 24, and 34 Dymetman teaches the central unit (802) being arranged to process the information which is received from the user unit (502) in a way which is defined by the region affiliation (202).

As to claims 10, 25 and 35, Dymetman teaches least one position is a plurality of positions which define characters (glyph marks) and in which the central unit (802) is arranged to convert the received positions to at least one character.

As to claims 11 and 38, Dymetman teach the user units (502) as a pen point (504).

As to claims 12 ,36, 52 and 60, Dymetman teaches each of the user units (502) having a unique user identity and is arranged to include the user identity in the information to the central unit (802).

As to claims 13 and 37, Dymetman teaches a plurality of products (e.g., marking substrates 108) from which the at least one position being recorded.

As to claims 14 and 39, Dymetman teaches a subset (208, 210) of a position-coding pattern, which codes a large number of positions on the imaginary surface (108) is reproduced on each of said products (substrate 108), the positions which are recorded by the user units (502) being positions on the imaginary surface (108) and being recorded by means of the subset (208, 210) of the position-coding pattern on the product (108).

As to claims 15, 40, 46 and 54, Dymetman teaches the position-coding pattern being

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constructed of symbols (glyph marks) and each position on said imaginary surface (108) being coded by a predetermined number of symbols (glyph marks), and in which each user unit (502) being arranged to continually record the symbols to provide a description of the movement in the form of coordinates when it is moved across said subset (208) in order to generate the information.

As to claims 16 and 41, Dymetman teaches the user unit (502) is arranged to record information by recording at least two coordinates (i.e. x, y coordinates) in coded form for each position, to decode the coded coordinates and to include at least certain of the coordinates in the information to the central unit (802).

As to claim 44, Dymetman teaches a user unit including a hand-held device (502).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 47-48 and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dymetman in view of Hecht et al (U.S. Patent No. 5,449,896).

As to claims 47-48 and 55-56, note the discussion of Dymetman above, Dymetman does not mention a nominal position. Hecht teaches each symbol including a nominal position and a mark (glyph) and mark (glyph) being displaced from the

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nominal position (see column 3, lines 18-22). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the nominal position as taught by Hecht to the position of marks of Dymetman so as to increase tolerance of such codes to geometric distortion and physical damage (see column 3, lines 12-28 of Hecht).

Response to Arguments

7. Applicant's arguments with respect to claims 1-42 and 45-60 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment of adding new claims 45-60 and correcting improper multiple dependents 4-16, 21-25 and 29-41 which have not been treated on the merits as in previous office action, the limitation imaginary surface now is interpreted as marking substrate (108) of Dymetman.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (571) 272-7772. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chanh Nguyen
Primary Examiner
Art Unit 2675


C. Nguyen
November 11, 2005